

REMARKS**Pending Claims**

Claims 40 and 67 are amended. Claims 49, 66, and 68-71 are hereby canceled without prejudice. Therefore claims 40-48, 50-65, and 67 are pending in this application.

Amendments to the Claims

Claim 40 has been amended to define the R⁴ and R⁵ groups as being independently hydrogen or lower alkyl. Support for the amendment is found in paragraph [0084] and in now-canceled claim 49.

[0084] Preferably, R⁴ and R⁵ are independently, hydrogen or lower alkyl, or together are -(CH₂)₂₋₄. More preferably, R⁴ and R⁵ are independently, hydrogen or lower alkyl.

Claim 67 has been amended to include the specific diseases found in now-canceled claim 69. The disease multiple sclerosis has also been added and finds support in the list of diseases shown in paragraph [0002].

[0002] This invention relates to chemical compounds that are antagonists of MCP-1 function and are useful in the prevention or treatment of chronic or acute inflammatory or autoimmune diseases, especially those associated with aberrant lymphocyte or monocyte accumulation such as arthritis, asthma, atherosclerosis, diabetic nephropathy, inflammatory bowel disease, Crohn's disease, multiple sclerosis, nephritis, pancreatitis, pulmonary fibrosis, psoriasis, restenosis, and transplant rejection, to pharmaceutical compositions comprising these compounds, to uses of these compounds and compositions especially in the prevention or treatment of such diseases, to methods of treatment employing these compounds and compositions, and to processes for preparing these compounds.

35 USC § 112 Rejections

In section three of the office action, claims 66-68, 70, and 71 stand rejected under 35 USC 112, first paragraph. Claims 66, 68, 70, and 71 have been canceled without prejudice. The subject matter of claim 69 (not rejected) has been written into claim 67, and claim 69 has been canceled. The disease multiple sclerosis has also been added to claim 67 and, as noted above, finds support in the list of diseases shown in paragraph [0002]. Withdrawal of the rejection of claim 67 is respectfully requested.

In section four of the office action, claim 71 stands rejected under 35 USC 112, first paragraph. Claim 71 has been canceled as noted above.

In section five of the office action, claims 40-48 and 50-70 stand rejected under 35 USC 112, first paragraph for lack of enablement relating to compounds where R⁴ and R⁵ together form a ring. The definition of R⁴ and R⁵ as being independently hydrogen or lower alkyl in claim 49 (not rejected, noted as allowable per section six of the office action) has been written into claim 40, and claim 49 has been canceled as redundant. Claims 41-48 and 50-65 depend directly or indirectly from claim 40. Claims 66 and 68-70 have been canceled as noted above. Withdrawal of the rejection of claims 40-48 and 50-65 is respectfully requested.

Conclusion

The Applicants respectfully submit that all pending rejections have been addressed and that this amendment places the pending claims in condition for allowance. Accordingly, allowance of claims 40-48, 50-65, and 67 is respectfully requested.

Applicants reserve the right to file divisional and/or continuation application(s) to the subject matter canceled in response to the restriction requirement.

If the Examiner believes that a conversation with the undersigned agent would aid in advancing the prosecution of this case, the Examiner is requested to call the undersigned at (650) 251-1126.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

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Respectfully submitted,

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